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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DAHM *et al.*

Serial No.: 09/601,645

Conf. No.: 7793

National Stage of: PCT/EP99/00716

International Filing Date: February 3, 1999

Commencement of National Stage:

August 8, 2000

For: *METHOD FOR THE QUANTITATIVE  
DETERMINATION OF TUMOR CELLS IN  
A BODY FLUID AND TEST KITS  
SUITABLE THEREOF*

Art Unit: 1655

Examiner: Zitomer, S.

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this date.

01/30/02

Date

*Lynn Morkunas*  
Lynn Morkunas

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## TRANSMITTAL LETTER

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement, cited references and PTO-Form 1449 (2 pages) for filing in connection with the above-identified application. Because this Supplemental Information Disclosure Statement is filed **after receipt of a First Office Action on the merits for the above-captioned application** but before either a Final Office Action or Notice of Allowance in the above-referenced application, a fee for filing this statement is included herewith. However, should said fee be either missing or incorrect, the Commissioner is authorized to charge deposit account No. 50-1213, for the appropriate fee as stated below:

- ☒ The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By: \_\_\_\_\_

Stéphanie Seidman  
Registration No. 33,779

Attorney Docket No. 24741-1509US

Address all correspondences to:

Stephanie L. Seidman, Esq.

HELLER, EHRMAN, WHITE & McAULIFFE LLP

4350 La Jolla Village Drive, Suite 600

San Diego, CA 92122-1246

Telephone: (858) 450-8400

Facsimile: (858) 587-5360

EMAIL: sseidman@hewm.com



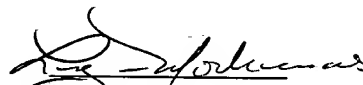
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.97-1.98

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Since this Supplemental Information Disclosure Statement is filed after receipt of a first Office Action on the merits for the above-captioned application, the filing fee of \$180.00 is enclosed. If no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-

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**U.S.S.N. 09/601,645**  
**DAHM, *et al.***  
**SUPPLEMENTAL IDS**

1.98. Form PTO-1449 (2 pages) and copies of the cited documents are provided herewith.

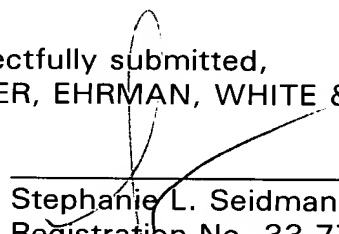
The documents listed on the Form PTO-1449, are supplied herewith the English language. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and that they be made of record in the file history of the above-captioned application.

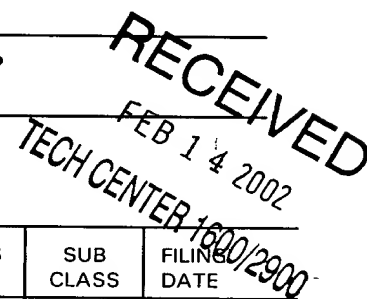
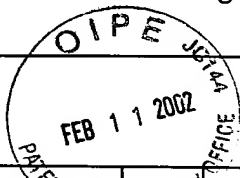
Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:

  
Stephanie L. Seidman  
Registration No. 33,779

Attorney Docket No. 24741-1509US  
**Address all correspondence to:**  
Stephanie L. Seidman, Esq.  
HELLER, EHRMAN, WHITE & McAULIFFE LLP  
4350 La Jolla Village Drive, Suite 600  
San Diego, CA 92122-1246  
Telephone: (858) 450-8400  
Facsimile: (858) 587-5360  
EMAIL: sseidman@hewm.com

FORM PTO-1449 (Modified)

ATTY. DOCKET NO.  
24741-1509USSERIAL NO.  
09/601,645LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENTAPPLICANT  
DAHM, *et al.*FILING DATE  
August 4, 2000GROUP  
1655

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	TRADEMARK	DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FILING DATE
	AA	3	7	4	1	4	0	0	06/26/73	Dick	210	516	06/15/70
	AB	3	8	8	7	4	6	4	06/03/75	Ayres	210	117	02/27/74
	AC	3	9	4	5	9	2	8	03/23/76	Ayres	210	516	02/27/74
	AD	5	2	7	0	1	7	1	12/14/93	Cercek <i>et al.</i>	435	29	06/18/90
	AE	5	4	8	7	9	7	3	01/30/96	Nilsen <i>et al.</i>	435	6	10/19/92
	AF	5	5	7	7	5	1	3	11/26/96	Van Vlasselaer	128	765	08/31/94
	AG	5	5	8	3	0	1	6	12/10/96	Villeponteau <i>et al.</i>	435	91.3	10/27/94
	AH	5	6	6	3	0	5	1	09/02/97	Vlasselaer	435	7.23	12/11/95
	AI	5	7	2	6	0	1	9	03/10/98	Sidransky	435	6	12/28/95
	AJ	5	7	7	0	4	2	2	06/23/98	Collins	435	194	07/08/96
	AK	5	7	7	6	6	7	9	07/07/98	Villeponteau <i>et al.</i>	435	6	06/07/95
	AL	5	8	0	7	7	4	4	09/15/98	Berneman <i>et al.</i>	435	372	08/14/95
	AM	5	8	4	0	5	0	2	11/24/98	Van Vlasselaer	435	7.21	08/31/94
	AN	5	8	5	6	0	9	6	01/05/99	Windle <i>et al.</i>	435	6	09/20/95

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB CLASS	Translation	
	AO	0	5	6	6	2	5	2	03/22/93	EP (A2)				
	AP	0	5	6	6	2	5	2	01/27/99	EP (B1)				
	AQ	0	8	7	5	2	0	2	11/04/98	EP (A2)				
	AR	9	6	0	7	0	9	7	03/07/96	PCT (A1)				
	AS	9	7	2	1	4	8	8	06/19/97	PCT (A1)				
	AT	9	8	2	2	8	2	5	05/28/98	PCT (A2, A3)				

EXAMINER

DATE CONSIDERED

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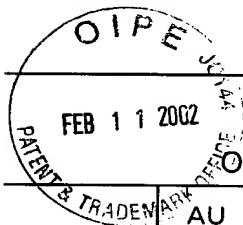
Title: **METHOD FOR THE QUANTITATIVE DETERMINATION OF TUMOR CELLS IN A BODY FLUID AND TEST KITS SUITABLE THEREOF**

Mail date: January 30, 2002

FORM PTO-1449 (Modified)

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August 4, 2000GROUP  
1655RECEIVED  
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## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AU	Asai <i>et al.</i> , "Telomere length, telomere activity and telomerase RNA expression in human esophageal cancer cells: Correlation with cell proliferation, differentiation and chemosensitivity to anticancer drugs" <u>Anticancer Research</u> 18:1465-1472 (1998).
AV	Blasco <i>et al.</i> , "Functional characterization and developmental regulation of mouse telomerase RNA" <u>Science</u> 269:1267-70 (1995).
AW	Blasco <i>et al.</i> , "Telomere shortening and tumor formation by mouse cells lacking telomerase RNA" <u>Cell</u> 91:25-34 (1997).
AX	Borgen <i>et al.</i> , Standardization of the immunocytochemical detection of cancer cells in BM and blood: 1. establishment of objective criteria for the evaluation of immunostained cells, <u>Cytotherapy</u> 1:377 (1999).
AY	Kim <i>et al.</i> , "Advanced in quantification and characterization of telomerase activity by the telomeric repeat amplification protocol (TRAP)" <u>Nuc. Acids Res.</u> 25(13):2595-2597 (1997).
AZ	Mehle <i>et al.</i> , "Telomere Shortening in Renal Cell Carcinoma" <u>Cancer Res</u> 54:236-241 (1994).
BA	Mueller <i>et al.</i> , "Self-sustained sequence replication (3SR): an alternative to PCR" <u>Histochemical Cell Biology</u> 108:431-7 (1997).
BB	Nilsen <i>et al.</i> , Dendritic Nucleic Acid Structures, <u>J. Theor. Biol.</u> 187:273-284 (1997).
BC	Sano <i>et al.</i> , "Telomerase activity in 144 brain tumours" <u>Brit. J. of Cancer</u> 77(10):1633-1637 (1998).
BD	van Gemen <i>et al.</i> , "Quantification of HIV-1 RNA in plasma using NASBA during HIV-1 primary infection" <u>J. Virol. Meth.</u> 43:177-188 (1993).
BD	Zhong <i>et al.</i> , Sensitivity and Specificity of Immunocytochemistry for the Detection of Tumour Cells in the Bone Marrow of Patients with Breast Cancer, <u>Tumordiagn. u. Ther.</u> 20:39 (1999).

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